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AMENDMENTS TO LB 614

1           1.     Strike the original sections and all amendments  
2 thereto and insert the following new sections:

3           "Section 1.       Section 81-1316, Revised Statutes  
4 Supplement, 2004, is amended to read:

5           81-1316.     (1) All agencies and personnel of state  
6 government shall be covered by sections 81-1301 to 81-1319 and  
7 shall be considered subject to the State Personnel System, except  
8 the following:

9           (a) All personnel of the office of the Governor;

10          (b) All personnel of the office of the Lieutenant  
11 Governor;

12          (c) All personnel of the office of the Secretary of  
13 State;

14          (d) All personnel of the office of the State Treasurer;

15          (e) All personnel of the office of the Attorney General;

16          (f) All personnel of the office of the Auditor of Public  
17 Accounts;

18          (g) All personnel of the Legislature;

19          (h) All personnel of the court systems;

20          (i) All personnel of the Board of Educational Lands and  
21 Funds;

22          (j) All personnel of the Public Service Commission;

23          (k) All personnel of the Nebraska Brand Committee;

24          (l) All personnel of the Commission of Industrial

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1 Relations;

2 (m) All personnel of the State Department of Education;

3 (n) All personnel of the Nebraska state colleges and the  
4 Board of Trustees of the Nebraska State Colleges;

5 (o) All personnel of the University of Nebraska;

6 (p) All personnel of the Coordinating Commission for  
7 Postsecondary Education;

8 (q) All personnel of the Governor's Policy Research  
9 Office, but not to include personnel within the State Energy  
10 Office;

11 (r) All personnel of the Commission on Public Advocacy;

12 (s) All inspectors of the State Electrical Division;

13 (t) All agency heads;

14 ~~(t)~~ (u) The Director of Medical Services established  
15 under section 83-125 and the chief executive officers of the  
16 Beatrice State Developmental Center, Lincoln Regional Center,  
17 Norfolk Regional Center, Hastings Regional Center, Grand Island  
18 Veterans' Home, Norfolk Veterans' Home, Thomas Fitzgerald Veterans'  
19 Home, Western Nebraska Veterans' Home, Youth Rehabilitation and  
20 Treatment Center-Kearney, and Youth Rehabilitation and Treatment  
21 Center-Geneva;

22 ~~(u)~~ (v) All personnel employed as pharmacists,  
23 physicians, psychiatrists, or psychologists of the Department of  
24 Health and Human Services, the Department of Health and Human  
25 Services Finance and Support, and the Department of Health and  
26 Human Services Regulation and Licensure; and

27 ~~(v)~~ (w) Deputies and examiners of the Department of

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1 Banking and Finance and the Department of Insurance as set forth in  
2 sections 8-105 and 44-119, except for those deputies and examiners  
3 who remain in the State Personnel System.

4 (2) At each agency head's discretion, up to the following  
5 number of additional positions may be exempted from the State  
6 Personnel System, based on the following agency size categories:

7	Number of Agency	Number of Noncovered
8	Employees	Positions
9	less than 25	0
10	25 to 100	1
11	101 to 250	2
12	251 to 500	3
13	501 to 1000	4
14	1001 to 2000	5
15	2001 to 3000	8
16	3001 to 4000	11
17	4001 to 5000	14
18	over 5000	17

19 The purpose of having such noncovered positions shall be  
20 to allow agency heads the opportunity to recruit, hire, and  
21 supervise critical, confidential, or policymaking personnel without  
22 restrictions from selection procedures, compensation rules, career  
23 protections, and grievance privileges. Persons holding the  
24 noncovered positions shall serve at the pleasure of the agency head  
25 and shall be paid salaries set by the agency head.

26 (3) No changes to this section or to the number of  
27 noncovered positions within an agency shall affect the status of

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1 personnel employed on the date the changes become operative without  
2 their prior written agreement. A state employee's career  
3 protections or coverage by personnel rules and regulations shall  
4 not be revoked by redesignation of the employee's position as a  
5 noncovered position without the prior written agreement of such  
6 employee.

7 Sec. 2. Section 81-1373, Revised Statutes Supplement,  
8 2004, is amended to read:

9 81-1373. (1) For the purpose of implementing the state  
10 employees' right to organize for the purpose of collective  
11 bargaining, there are hereby created twelve bargaining units for  
12 all state agencies except the University of Nebraska, the Nebraska  
13 state colleges, and other constitutional offices. The units shall  
14 consist of state employees whose job classifications are  
15 occupationally and functionally related and who share a community  
16 of interest. The bargaining units shall be:

17 (a) Maintenance, Trades, and Technical, which unit is  
18 composed of generally recognized blue collar and technical classes,  
19 including highway maintenance workers, carpenters, plumbers,  
20 electricians, print shop workers, auto mechanics, engineering aides  
21 and associates, and similar classes;

22 (b) Administrative Support, which unit is composed of  
23 clerical and administrative nonprofessional classes, including  
24 typists, secretaries, accounting clerks, computer operators, office  
25 service personnel, and similar classes;

26 (c) Health and Human Care Nonprofessional, which unit is  
27 composed of institutional care classes, including nursing aides,

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1 psychiatric aides, therapy aides, and similar classes;

2 (d) Social Services and Counseling, which unit is  
3 composed of generally professional-level workers providing services  
4 and benefits to eligible persons. Classes shall include job  
5 service personnel, income maintenance personnel, social workers,  
6 counselors, and similar classes;

7 (e) Administrative Professional, which unit is composed  
8 of professional employees with general business responsibilities,  
9 including accountants, buyers, personnel specialists, data  
10 processing personnel, and similar classes;

11 (f) Protective Service, which unit is composed of  
12 institutional security personnel, including correctional officers,  
13 building security guards, and similar classes;

14 (g) Law Enforcement, which unit is composed of employees  
15 holding powers of arrest, including Nebraska State Patrol officers  
16 and sergeants, conservation officers, fire marshal personnel, and  
17 similar classes. Sergeants, investigators, and patrol officers  
18 employed by the Nebraska State Patrol as authorized in section  
19 81-2004 shall be presumed to have a community of interest with each  
20 other and shall be included in this bargaining unit notwithstanding  
21 any other provision of law which may allow for the contrary;

22 (h) Health and Human Care Professional, which unit is  
23 composed of community health, nutrition, and health service  
24 professional employees, including nurses, doctors, psychologists,  
25 pharmacists, dietitians, licensed therapists, and similar classes;

26 (i) Examining, Inspection, and Licensing, which unit is  
27 composed of employees empowered to review certain public and

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1 business activities, including driver-licensing personnel, revenue  
2 agents, bank and insurance examiners who remain in the State  
3 Personnel System under sections 8-105 and 44-119, various public  
4 health and protection inspectors, state electrical inspectors who  
5 remain in the State Personnel System under section 81-2104, and  
6 similar classes;

7 (j) Engineering, Science, and Resources, which unit is  
8 composed of specialized professional scientific occupations,  
9 including civil and other engineers, architects, chemists,  
10 geologists and surveyors, and similar classes;

11 (k) Teachers, which unit is composed of employees  
12 required to be licensed or certified as a teacher; and

13 (l) Supervisory, which unit is composed of employees who  
14 are supervisors as defined in section 48-801.

15 All employees who are excluded from bargaining units  
16 pursuant to the Industrial Relations Act, all employees of the  
17 personnel division of the Department of Administrative Services,  
18 and all employees of the Division of Employee Relations of the  
19 Department of Administrative Services shall be excluded from any  
20 bargaining unit of state employees.

21 (2) Any employee organization, including one which  
22 represents other state employees, may be certified or recognized as  
23 provided in the Industrial Relations Act as the exclusive  
24 collective-bargaining agent for a supervisory unit, except that  
25 such unit shall not have full collective-bargaining rights but  
26 shall be afforded only meet-and-confer rights.

27 (3) It is the intent of the Legislature that professional

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1 and managerial employee classifications and office and service  
2 employee classifications be grouped in broad occupational units for  
3 the University of Nebraska and the Nebraska state colleges  
4 established on a university-wide or college-system-wide basis,  
5 including all campuses within the system. Any unit entirely  
6 composed of supervisory employees of the University of Nebraska or  
7 the Nebraska state colleges shall be afforded only meet-and-confer  
8 rights. Except as provided in subsection (4) of this section, the  
9 bargaining units for academic, faculty, and teaching employees of  
10 the University of Nebraska and the Nebraska state colleges shall  
11 continue as they exist on April 9, 1987, and any adjustments  
12 thereto or new units therefor shall continue to be determined  
13 pursuant to the Industrial Relations Act.

14 (4) Except as provided in subdivision (2)(c) of section  
15 85-1,119, when the institution now known as Kearney State College  
16 is transferred to the control and management of the Board of  
17 Regents of the University of Nebraska, any academic, faculty, and  
18 teaching employees of Kearney State College who are included in a  
19 bargaining unit and represented by a certified or recognized  
20 collective-bargaining agent as of June 30, 1991, shall, on and  
21 after July 1, 1991, compose a separate bargaining unit of  
22 University of Nebraska employees, and such agent shall be entitled  
23 to certification by the commission for the new bargaining unit  
24 without the necessity of a representation election. Any  
25 adjustments to the unit or the representation thereof shall be  
26 determined pursuant to the Industrial Relations Act.

27 (5) Other constitutional offices shall continue to

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1 subscribe to the procedures for unit determination in the  
2 Industrial Relations Act, except that the commission is further  
3 directed to determine the bargaining units in such manner as to (a)  
4 reduce the effect of overfragmentation of bargaining units on the  
5 efficiency of administration and operations of the constitutional  
6 office and (b) be consistent with the administrative structure of  
7 the constitutional office. Any unit entirely composed of  
8 supervisory employees of a constitutional office shall be afforded  
9 only meet-and-confer rights.

10 Sec. 3. Section 81-2104, Revised Statutes Supplement,  
11 2004, is amended to read:

12 81-2104. The board shall have power to:

13 (1) Elect its own officers;

14 (2) Engage and fix the compensation of such officers,  
15 inspectors, and employees as may be required in the performance of  
16 its duties. Inspectors hired after the effective date of this act  
17 shall hold office at the will of the board and shall receive such  
18 salary as fixed by the board based upon the level of credentials  
19 for the position. Each employee who is employed as an inspector on  
20 the effective date of this act may elect to become employed at  
21 will. The election to become employed at will may be made at any  
22 time upon notification to the board in writing, but once made, such  
23 election shall be final. Until the election to be employed at will  
24 is made, the employee shall be treated as continuing participation  
25 in the State Personnel System;

26 (3) Pay such other expenses as may be necessary in the  
27 performance of its duties;



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1                   (4)    Provide upon request such additional voluntary  
2   inspections and reviews as it deems appropriate;

3                   (5)    Adopt, promulgate, and revise rules and regulations  
4   necessary to enable it to carry into effect the State Electrical  
5   Act. In adopting and promulgating such rules and regulations, the  
6   board shall be governed by the minimum standards set forth in the  
7   National Electrical Code issued and adopted by the National Fire  
8   Protection Association in 2002, Publication Number 70-2002, and  
9   amendments to the code adopted as of January 1, 2003, which code  
10   and amendments shall be filed in the offices of the Secretary of  
11   State and the board and shall be a public record. The board shall  
12   adopt and promulgate rules and regulations establishing wiring  
13   standards that protect public safety and health and property and  
14   that apply to all electrical wiring which is installed subject to  
15   the State Electrical Act;

16                  (6)    Revoke, suspend, or refuse to renew any license or  
17   registration granted pursuant to the State Electrical Act when the  
18   licensee or registrant (a) violates any provision of the National  
19   Electrical Code as adopted pursuant to subdivision (5) of this  
20   section, the act, or any rule or regulation adopted and promulgated  
21   pursuant to the act, (b) fails or refuses to pay any examination,  
22   registration, or license renewal fee required by law, (c) is an  
23   electrical contractor or master electrician and fails or refuses to  
24   provide and keep in force a public liability insurance policy as  
25   required by the board, or (d) violates any political subdivision's  
26   approved inspection ordinances;

27                  (7)    Order disconnection of power to any electrical

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1 installation that is proximately dangerous to health and property;  
2 (8) Order removal of electrical wiring and apparatus from  
3 premises when such wiring and apparatus is proximately dangerous to  
4 health and property;  
5 (9) Investigate, for the purpose of identifying dangerous  
6 electrical wiring or violations of the National Electrical Code as  
7 adopted pursuant to subdivision (5) of this section, any death by  
8 electrocution that occurs within the State of Nebraska;  
9 (10) Refuse to renew any license granted pursuant to the  
10 act when the licensee fails to submit evidence of completing the  
11 continuing education requirements under section 81-2117.01;  
12 (11) Provide for the amount and collection of fees for  
13 inspection and other services;  
14 (12) Adopt a seal, and the executive secretary shall have  
15 the care and custody thereof; and  
16 (13) Enforce the provisions of the National Electrical  
17 Code as adopted pursuant to subdivision (5) of this section.  
18 Sec. 4. Original sections 81-1316, 81-1373, and 81-2104,  
19 Revised Statutes Supplement, 2004, are repealed.  
20 Sec. 5. Since an emergency exists, this act takes effect  
21 when passed and approved according to law."